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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,498	12/30/2003	Asha R. Keddy	ITL.1051US (P17705)	8753
21906 7590 08/18/2008 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER SIKRI, ANISH	
			ART UNIT 2143	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,498	<b>Applicant(s)</b> KEDDY ET AL.	
	<b>Examiner</b> ANISH SIKRI	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Information Disclosure Statement**

The information disclosure statement submitted on 4/5/2004 has been considered by the Examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campana et al (US 2005/0055467) hereafter as Campana, in view of Dea et al (US Pat 5,742,833) hereafter as Dea.

- 1) Consider **Claim 9**, Campana method comprising; coupling a master network interconnect device to a network (Campana, [0003], [0028], Campana disclosed the use of Master network device and slave network device connected together); coupling a slave network interconnect device to the master network interconnect device (Campana, [0003], [0028]); coupling the slave network interconnect device to a network device (Campana, [0003], [0028]). Campana disclosed on how devices are connected together.
- 2) But, Campana does not explicitly disclose transmitting a predetermined signal from one network interconnect device to the other network interconnect device so as to control a state of the PHY of the network device that is coupled to the slave network interconnect device.

- 3) Nonetheless, Dea disclosed on how transmitting a predetermined signal from the one network interconnect device to the other network interconnect device so as to control a state of the PHY of the network device that is coupled to the other network interconnect device (Dea, Col 3 Lines 25-30, Lines 44-51, Deal disclosed that the power state of the physical state of the network device can be programmed and controlled by the network device).
- 4) Both Campana and Dea provide features related to management of network devices. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.
- 5) Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of power signal to manage interconnected network devices, taught by Dea, in the system of Campana for the purpose of better energy management of systems in the network.
- 6) Consider **Claim 10**, Campana-Dea disclosed the method as defined in claim 9, wherein transmission of the predetermined signal from the master network interconnect device to the slave network interconnect device is effective to control the power state of the PHY of the network device (Dea, Col 3 Lines 25-30, Lines 44-51, Deal disclosed that the power state of the physical state of the network device can be programmed and controlled by the network device).

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7) Consider **Claim 11**, Campana-Dea disclosed the method as defined in claim 9, wherein transmission of the predetermined signal from the master network interconnect device to the slave network interconnect device (Campana, [0003], [0028], Campana disclosed the use of Master network device and slave network device connected together) is caused to occur under program control (Dea, Col 3 Lines 25-30, Lines 44-51, Dea disclosed that the power state of the physical state of the network device can be programmed and controlled by the network device).

8) Consider **Claim 12**, Campana-Dea disclosed the method as defined in claim 11, wherein transmission of the predetermined signal from the master network interconnect device to the slave network interconnect device (Campana, [0003], [0028], Campana disclosed the use of Master network device and slave network device connected together) is effective to control the power state of the PHY of the network device (Dea, Col 3 Lines 25-30, Lines 44-51, Dea disclosed that the power state of the physical state of the network device can be programmed and controlled by the network device).

9) Consider **Claim 13**, Campana-Dea disclosed the method as defined in claim 12, wherein the predetermined signal is a heartbeat signal (Dea, Col 7 Lines 42-44, Dea disclosed the use of heartbeat signal in the management of network devices).

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Consider Claim 1, it has similar limitations as Claim 9, therefore it is rejected under the same rational as Claim 9.

Consider Claim 2, it has similar limitations as Claim 9, therefore it is rejected under the same rational as Claim 9.

Consider Claim 3, it has similar limitations as Claim 13, therefore it is rejected under the same rational as Claim 13.

Claims 4-8, 14-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campana et al (US 2005/0055467) hereafter as Campana, in view of Dea et al (US Pat 5,742,833) hereafter as Dea, and further in view of Prorock (US Pat 6,538,990)

Consider **Claim 4**, it has similar limitations as Claim 14, therefore it is rejected under the same rational as Claim 14.

Consider **Claim 5**, Campana-Dea-Prorock disclosed a system as defined in claim 4, wherein the channel comprises a coaxial cable (Prorock, Col 2 Lines 3-6, Prorock disclosed the use of coaxial cables and coaxial ports).

Consider **Claim 6**, it has similar limitations as Claim 17, therefore it is rejected under the same rational as Claim 17.

Consider **Claim 7**, it has similar limitations as Claim 18, therefore it is rejected under the same rational as Claim 18.

Consider **Claim 8**, it has similar limitations as Claim 19, therefore it is rejected under the same rational as Claim 19.

10) Consider **Claim 14**, Campana-Dea does not explicitly disclose the method as defined in claim 9, wherein the slave network interconnect device comprises a hub having an uplink port to couple to the master network interconnect device and having at least one device port to couple to a network device.

11) Nonetheless, Prorock disclosed wherein network interconnect device comprises a hub having an uplink port to couple to the master network interconnect device and having at least one device port to couple to a network device (Prorock, Abstract, Fig 1, Fig 4, Col 4 Lines 1-10, Prorock disclosed on the use of a hub having ports to connect to network devices).

12) Campana, Dea, and Prorock provide features related to management of network devices. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.



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13) Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of a hub with ports, taught by Prorock, in the system of Campana-Dea for the purpose of network management.

14) Consider **Claim 15**, Campana-Dea-Prorock disclose the method as defined in claim 14, wherein the master network interconnect device transmits the predetermined signal (Dea, Col 7 Lines 42-44, Dea disclosed the use of heartbeat signal in the management of network devices), to the hub over a transmission channel that couples the master network interconnect device to the uplink port of the hub (Prorock, Abstract, Fig 1, Fig 4, Col 4 Lines 1-10, Prorock disclosed on the use of a hub having ports to connect to network devices).

15) Consider **Claim 16**, Campana-Dea-Prorock disclosed the method as defined in claim 15, wherein transmission of the predetermined signal from the master network interconnect device to the slave network interconnect device (Campana, [0003], [0028], Campana disclosed the use of Master network device and slave network device connected together) is caused to occur under program control (Dea, Col 3 Lines 25-30, Lines 44-51, Dea disclosed that the power state of the physical state of the network device can be programmed and controlled by the network device).

16) Consider **Claim 17**, Campana-Dea-Prorock disclosed the method as defined in claim 16, wherein transmission of the predetermined signal from the master network

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interconnect device to the slave network interconnect device (Campana, [0003], [0028], Campana disclosed the use of Master network device and slave network device connected together) is effective to control the power state of the PHY of the network device (Dea, Col 3 Lines 25-30, Lines 44-51, Deal disclosed that the power state of the physical state of the network device can be programmed and controlled by the network device).

17) Consider **Claim 18**, Campana-Dea-Prorock disclosed the method as defined in claim 17, wherein the predetermined signal is a heartbeat signal (Dea, Col 7 Lines 42-44, Dea disclosed the use of heartbeat signal in the management of network devices).

18) Consider **Claim 19**, Campana disclosed n a network, an interconnect apparatus comprising: a network interconnects device and an article including a machine-readable storage medium onto which there are written instructions (Campana, [0003], [0028], Campana disclosed the use of Master network device and slave network device connected together); coupling a slave network interconnect device to the master network interconnect device (Campana, [0003], [0028]).

19) But Campana does not explicitly disclose the network interconnect device to transmit a predetermined signal over the channel so as to control a state of the PHY of a network device that is coupled to a device port.

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20) Nonetheless, Dea disclosed the network interconnect device to transmit a predetermined signal over the channel so as to control a state of the PHY of a network device that is coupled to a device port (Dea, Col 3 Lines 25-30, Lines 44-51, Dea disclosed that the power state of the physical state of the network device can be programmed and controlled by the network device).

21) Both Campana and Dea provide features related to management of network devices. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

22) Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of power signal to manage interconnected network devices, taught by Dea, in the system of Campana for the purpose of better energy management of systems in the network.

23) But Campana does not explicitly disclose the use of a first hub comprising a plurality of device ports and an uplink port; a channel coupling the uplink port of the first hub to the network interconnect device; a first network device coupled to a device port of the first hub;, if executed by the network interconnect device.

24) Nonetheless, Prorock disclosed a first hub comprising a plurality of device ports and an uplink port; a channel coupling the uplink port of the first hub to the network interconnect device; a first network device coupled to a device port of the first hub;, if executed by the network interconnect device (Prorock, Abstract, Fig 1, Fig 4, Col 4 Lines 1-10, Prorock disclosed on the use of a hub having ports to connect to network devices)

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25) Both Campana and Prorock provide features related to management of network devices. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

26) Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of a hub with ports, taught by Prorock, in the system of Campana for the purpose of network management.

Consider **Claim 20**, it has similar limitations as Claim 19; therefore it is rejected under the same rational as Claim 19.

Consider **Claim 21**, it has similar limitations as Claim 19; therefore it is rejected under the same rational as Claim 19.

Consider **Claim 22**, it has similar limitations as Claim 18; therefore it is rejected under the same rational as Claim 18.

Consider **Claim 23**, it has similar limitations as Claim 19; therefore it is rejected under the same rational as Claim 19.

Consider **Claim 24**, it has similar limitations as Claim 19; therefore it is rejected under the same rational as Claim 19.

Consider **Claim 25**, it has similar limitations as Claim 19; therefore it is rejected under the same rational as Claim 19.

Consider **Claim 26**, it has similar limitations as Claim 18; therefore it is rejected under the same rational as Claim 18.

Consider **Claim 27**, it has similar limitations as Claim 19; therefore it is rejected under the same rational as Claim 19.

Consider **Claim 28**, it has similar limitations as Claim 20; therefore it is rejected under the same rational as Claim 20

Consider **Claim 29**, it has similar limitations as Claim 21; therefore it is rejected under the same rational as Claim 21.

Consider **Claim 30**, it has similar limitations as Claim 27; therefore it is rejected under the same rational as Claim 27.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri  
A.S.  
August 15, 2008

/George C. Neurauter, Jr./  
Primary Examiner, Art Unit 2143